

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

WP(C).No. 13678 of 2007(C)

PETITIONER:

M.S.MUKESH, AGED 23,
S/O.SOMAPPAN M.K., MARATHARA HOUSE,
EDAYAKUNNAM SOUTH CHITTOOR P.O.,
KOCHI-27.

BY ADV. SRI.P.GOPALAKRISHNA MENON
SRI.M.JITHESH MENON

RESPONDENTS:

1. THE REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM.
2. THE SECRETARY, REGIONAL TRANSPORT
AUTHORITY, ERNAKULAM.

BY GOVERNMENT PLEADER SRI. BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P.(C)NO.13678/07

- P1: APPLICATION FILED BY THE PETITIONER IN THE PRESCRIBED FORM P.ST.S.A.
DATED 16.06.06
- P2: COVERING LETTER FILED BY THE PETITIONER DATED 16.6.06 WITH TIMINGS.
- P3: ORDER OF THE 1ST RESPONDENT DATED 22.8.06.
- P4: JUDGMENT IN MVAA NO. 594/06 DATED 8.12.06.
- P5: ORDER OF THE 1ST RESPONDENT DATED 7.2.2007.
- P6: JUDGMENT IN W.P.(C)NO.6637/07 DATED 6.3.07.

/TRUE COPY/

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO.13678 OF 2007

DATED THIS THE 1st DAY OF JUNE, 2007

JUDGMENT

The petitioner challenges Ext.P5 order of the 1st respondent, whereby the 1st respondent refused to consider the application of the petitioner for granting permit on the ground that against the order of the State Transport Appellate Tribunal, which directed the 1st respondent to grant the permit, an appeal has to be filed. It is settled law that the Regional Transport Authority being a quasi judicial authority is not aggrieved by Ext.P4 order of the S.T.A.T and as such the 1st respondent cannot direct filing of appeal against the order of the S.T.A.T. If the Government is aggrieved by the order of the S.T.A.T, it is for the Government to take appropriate proceedings to challenge the same. The R.T.A. cannot, on the ground that the Tribunal has not taken into consideration the notification issued by the Government, refuse to implement the order of the S.T.A.T.

2. In the above circumstances, there would be a direction to the R.T.A. to implement the directions in Ext.P4 judgment as expeditiously as possible, at any rate, within one month from the date

of receipt of a copy of this judgment. However, this would be subject to any interim order or final order, which may be passed in proceedings which the Government may initiate against Ext.P4 order.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

Acd

